<u>REMARKS</u>

Claims 1, 3 through 10, 12 through 28, and 30 through 36 are pending in this Application. Claims 1, 3 through 5, 7 through 10, 16, 19 through 25, 27, 28, 30 through 33, and 36 have been amended. In addition, the specification has been amended to provide antecedent basis for certain claim terminology. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, Abstract, FIGs. 1 and 4, ¶¶[0018] through [0020], [0028], [0029], [0034], [0036], and [0040] of the corresponding US Pub. No. 2005/0021976. Applicant submits that the present Amendment does not generate any new matter issue.

Telephonic Interview of April 5, 2010.

Applicant expresses appreciation for the Examiner's courtesy in granting and conducting a telephonic interview on April 5, 2010. During the interview, the Examiner indicated that the present claim amendments would require a new search. It is with that understanding that the present Amendment is submitted.

Objection to the Specification

The Examiner asserted that the specification lacked sufficient antecedent basis for the claim expression "computer-readable storage medium" in claims 28, 30 through 33, and 36. This objection is traversed.

Literal support is not required by the statute. *Univ. of Rochester v. G.D. Searle & Co.,* 358 F.3d 916, 923 (Fed.Cir.2004); *Regents of the Univ. of Cal. v. Eli Lilly & Co.,* 119 F.3d 1559, 1566-67 (Fed.Cir.1997). An applicant need not utilize any particular form of disclosure to describe the subject matter claimed; the description need only allow persons of ordinary skill in

the art to recognize that he or she invented what is claimed. *Carnegie Mellon Univ. v. Hoffmann-La Roche Inc.,* 541 F.3d 1115, 1122 (Fed.Cir.2008) (quoting *In re Alton,* 76 F.3d 1168, 1172 (Fed.Cir.1996)).

In applying the above legal tenets to the exigencies of this case, Applicant submits that the imposed objection is not factually accurate, since the specification describes a memory 52 which constitutes a "computer-readable storage medium." At any rate, the specification has been amended to recite a "computer-readable storage medium". Applicant therefore respectfully requests withdrawal of the objection of the specification.

Claims 1, 3 through 10, 12 through 18, 22, 23, 25, 26, 28, and 30 through 36 were rejected under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter.

In stating the rejection, the Examiner asserted that: (1) claim 1 is neither tied to an apparatus nor transforms any article; (2) claim 10 recites a system with network entities and a server which can be interpreted as software and/or hardware; and (3) claim 28 recites a computer-readable storage medium that can be interpreted as transitory signals, directed to non-statutory subject matter.   This rejection is traversed.

Specifically, independent claims 1 and 10 have been clarified by reciting "a user terminal" and "a server of a server provider", and claim 28 has been clarified by reciting "a non-transitory computer-readable storage medium", which constitute statutory subject matter under 35 U.S.C. §101.   Applicant therefore solicits withdrawal of the rejection of claims 1, 3 through 10, 12 through 18, 22, 23, 25, 26, 28, and 30 through 36 under 35 U.S.C. §101.

(1) Claims 1, 4 though 6, 8 through 10, 13 though 15, 17 through 19, 22 though 28, 32, and 33 were rejected as obvious under 35 U.S.C. §103(a) based on *Geiger et al.* (US 6,377,810, "*Geiger*") in view of *Shurygalio et al.* (US 2004/0093502, "*Shurygalio*") and *Langseth et al.* (US 6741980, "*Langseth*").

In stating the rejection, the Examiner asserted that one having ordinary skill in the art would have been led to modify *Geiger*'s wireless communication system by including *Shurygalio*'s token of authorization, to provide effect and flexible authorization in a network environment. The Examiner further concluded that that one having ordinary skill in the art would have been led to modify whatever system and method can be said to have been reasonably suggested by the combined disclosures of *Geiger* and *Shurygalio* by including *Langseth*'s subscription to event notification, in order to deliver highly personalized and timely informational and transactional data via high-speed processing.   Applicant respectfully traverses this rejection.

The claimed inventions advantageously enable on demand access to a resource (e.g., a GPS sensor) controlled by a user terminal 12 without contacting the user terminal 12 each time for authorization. The claimed inventions create a resource-specific certificate for a requester 18 (i.e., a server of the service provider) to subscribe to an event server 14 once for all (before expiration) to get event-based information (e.g., presence, location information, content and/or service availability), so as to provide requested resource-based services (e.g., location-based services) to the user terminal 12 (FIGs. 1 and 4, ¶¶ [0027], [0029]), without contacting the user terminal 12 each time for authorization.

Independent claims 1, 10, 19, and 28 recite, *inter alia*: "causing, at least in part, **reception of a first request for a resource-based service from a first network entity within a user terminal** at **a second network entity within a server of a service provider**; causing, at

least in part, transmission of **a second request to access event-based information, that is generated by a resource located within the first network entity and associated with an event, from the second network entity**."

Applicant respectfully contends that none of the applied references, taken singly or in any combination, disclose or suggest the above-described independent operations of a server of a service provider. *Geiger's* requesting party 25 is merely a software component that may reside in any computer (col. 2, lines 11 through 16). *Geiger* only describes that the requesting entity 25 wishes to know the location of the mobile device 15. *Geiger* is conspicuously mute with respect to a *"second request from the first network entity (within a user terminal) to the second network entity (within a server of a service provider)* **for a resource-based service"** that triggers "a first request by a second network entity to access event-based information generated by a resource located within the first network entity and associated with an event."

After the initial authorization, *Geiger,* at best, allows a requester to send out a subsequent request to the server for event-based information without attaching thereto the initial authorization. However, the requester in *Geiger* still needs to send out a request **each time** to get the event-based information, rather than "**subscribing** to notifications of the event-based information by the second network entity that does not require the second network entity to send out access requests prior to an expiration time of the subscription", as recited in the claimed inventions.

Shurygalio's originator 206 passes an authorization token to a target user 208 (Abstract; FIG. 2). The authorization is user to user, rather than from a user terminal to a server of a service provider. If *Shurygalio's* 2nd entity (target user) is unknown to 1st entity (originator) prior to 1st request for event information as concluded by the Examiner, there cannot not be and is not an earlier *"request from the first network entity (within a user terminal) to the second network*

entity (within a server of a service provider) for **a resource-based service.**" Moreover, *Shurygalio* is said to disclose a token for accessing event-based information. However, a token is intended for a single use. Although one embodiment of *Shurygalio* allows future access based on the initial token (¶ [0029]), the user still needs to take actions to access event-based information available in a website or the like, rather than just passively receiving notifications of the event-based information from the event server.

As admitted by the Examiner (p. 6, last paragraph of the Office Action)*, Geiger* and *Shurygalio* do not disclose "subscribe to notifications of the event-based information by the second network entity that does not require the second network entity to send out access requests prior to an expiration time of the subscription", as recited in the claimed inventions. The Examiner's reliance on to disclose these admittedly missing features does not withstand scrutiny. *Langseth* only sends highly personalized and timely informational and transactional data (e.g., Finance channel, col. 7, line 49) from an online analytical processing (OLAP) based channel database system to **user terminals** (Abstract), not to **a server of a service provider** asked by the user to provide requested resource-based (e.g., location-based) service.

It is therefore apparent that even if the applied references are combined as proposed by the Examiner, and Applicant does not agree that the requisite realistic motivation has been established, the claimed inventions would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir.1988). Applicant, therefore, submits that the imposed rejection of claims 1, 4 though 6, 8 through 10, 13 though 15, 17 through 19, 22 though 28, 32, and 33 under 35 U.S.C. §103(a) for obviousness based on *Geiger* in view of *Shurygalio* and *Langseth* is not factually or legally viable and, hence, solicit withdrawal thereof.

(2) Claims 3, 12, 20, and 30 were rejected as obvious under 35 U.S.C. §103(a) based on *Geiger* in view of *Shurygalio, Langseth* and *Ganesh* (US 6,999,777).

(3) Claims 4, 6, 8, 9, 13, 15, 17, 18, 21, and 31 were rejected as obvious under 35 U.S.C. §103(a) based on *Geiger* in view of *Shurygalio, Langseth* and *McCann at al.* (US 2004/0064707, *"McCann"*).

(4) Claims 7 and 16 were rejected as obvious under 35 U.S.C. §103(a) based on *Geiger* in view of *Shurygalio, Langseth* and *Pujare et al.* (US 2002/0083183, *"Pujare"*).

(5) Claims 34 through 36 were rejected as obvious under 35 U.S.C. §103(a) based on *Geiger* in view of *Shurygalio, Langseth* and *Kramer et al.* (US 6986040, *"Kramer"*).

Each of the above-identified rejections (2) through (5) under 35 U.S.C. §103(a) is respectfully traversed.

Specifically, claims 3, 4, 6 through 9, 20, 34, and 36 depend from independent claim 1; claims 12, 13, and 15 through 18 depend from independent claim 10; claims 21 and 35 depend from independent claim 19; and claims 30 and 31 depend from independent claim 28. Applicant incorporates herein the arguments previously advanced in traversing the imposed rejection of independent claims 1, 10, 19, and 28 under 35 U.S.C. §103(a) for obviousness predicated upon *Geiger* in view of *Shurygalio* and *Langseth*. The additional references to *Ganesh, McCann, Pujare,* and *Kramer* do not cure the previously argued deficiencies in the attempted combination of *Geiger, Shurygalio,* and *Langseth*. Accordingly, even if the applied references were combined as proposed by the Examiner, and again Applicant does not agree that the requisite fact-based motivation has been established, the claimed inventions would not result. *See Uniroyal, Inc. v. Rudkin-Wiley Corp., supra,* Applicant therefore submits that the above-identified rejections (2) through (5) encompassing claims 3, 4, 6 through 9, 12, 13, 15 through

18, 20, 21, 30, 31, and 34 through 36 under 35 U.S.C. 103(a) are not factually or legally viable and, hence, solicits withdrawal thereof.

Therefore, the present application, as amended, overcomes the objection and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 822-7186 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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